

Chapter 10

Health and Safety

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Part 1**Delegation of Enforcement of Health Laws to the Department of Health****§10-101. Powers and Duties of Secretary of Health.**

There is granted to the Secretary of Health of the Commonwealth of Pennsylvania the powers of the Borough of Red Lion, York County, Pennsylvania, to administer and enforce the health laws and regulations within the Borough.

(Res. 5/13/1964, 5/13/1964)

Part 2**Grass, Weeds, and Other Vegetation****§10-201. Certain Vegetation Prohibited; Nuisances.**

No person, firm, or corporation owing or occupying any property within the Borough of Red Lion shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce seed. Any grass, weeds, or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.

(*Ord. 7511-20, 11/12/1975; as amended by Ord. 2009-09-02, 9/14/2009*)

§10-202. Responsibility for Removing, Trimming, or Cutting.

Both the owner and/or the occupant will be responsible for the removal of grass, weeds, or any other vegetation pursuant to §10-201, and either may be held in violation of this Part.

(*Ord. 7511-20, 11/12/1975; as amended by Ord. 827-5, 7/14/1982*)

§10-203. Notice; Authority of Borough.

The Borough Council or any officer or employee of the Borough designated thereby for the purpose is hereby directed to give notice, by personal service or by United States mail, to the owner and occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of the provisions of §10-201, directing and requiring such occupants and/or owner to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Part within 5 days after issuance of such notice. Only on such notice for any growing season is sufficient under this Section. At any time after the notice pursuant to this Section is given, the penalty authorized by this Part may be imposed each time any grass, weeds, or other vegetation is growing or remaining on the premises in violation of this Part. Further, if any violation is not corrected within 5 days, a new violation occurs and there shall be an additional penalty imposed pursuant to this Part. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim, cut, or destroy such grass, weeds, or vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm, or corporation in the manner provided by law. After an owner or occupant, as the case may be, is given one notice pursuant to this Section, no further notice is required for subsequent violations of this Part.

(*Ord. 7511-20, 11/12/1975; as amended by Ord. 827-5, 7/14/1982; and by Ord. 887-9, 7/13/1988*)

§10-204. Violations and Penalties.

Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution and, in default of payment thereof, to imprisonment for not more than 30 days. Each day's violation shall constitute a separate offense, and additional notice to the offender shall not be necessary in order to constitute an offense.

(*Ord. 7511-20*, 11/12/1975; as amended by *Ord. 9711-6*, 11/12/1997, §92-4; and by *Ord. 2009-09-02*, 9/14/2009)

Part 3**Nuisances****A. General****§10-301. Definitions.**

The word “nuisance,” as used in this Part, shall mean any use of property within the Borough or any condition upon property within the Borough that, other than infrequently, causes or results in annoyance or discomfort to persons beyond the boundaries of that property; interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include, but shall not be limited to, the following:

A. Loud playing of radios, television sets, jukeboxes, amplifiers, and other sound devices so as to be heard beyond the premises from which the sound emanates.

B. Operating gasoline-powered lawn mowers or gasoline-powered chain saws on any day before 7 a.m.

C. Operation of model airplanes equipped with gasoline engines on any public street or on any public ground, including any playground.

D. Keeping or harboring any animal or fowl which by frequent noise or odor shall annoy or disturb the neighborhood or a number of persons. [*Ord. 2009-09-02*]

E. For any owner or person responsible to said owner to permit the continual barking of any dog or dogs. “Continual barking” shall mean the barking of any dog or dogs for a continuing period of 30 seconds or more on three or more occasions during any 20-minute period. [*Ord. 2009-09-02*]

F. Maintaining or permitting the maintenance of any of the following dangerous condition structures or premises:

- (1) Open wells or cisterns.
- (2) Open excavations.
- (3) Unfinished buildings, foundations, or other structures.
- (4) Dangerous placement of materials or equipment.
- (5) Lakes, ponds, or swimming pools not properly safeguarded.
- (6) Stagnant water in pools in which mosquitoes, flies, or insects multiply.

G. Carrying on any building or road construction, excavation, or trenching or the operation of heavy equipment or trucks in connection therewith at any time between the hours of 11 p.m. and 7 a.m. of the following day without a special permit issued by the Secretary. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that

it can be carried on in such a manner or in such a place that the public or residents will not be annoyed or disturbed by that construction work.

H. Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.

I. Washing, tracking, or otherwise depositing dirt, mud, soil, stone, or debris upon or onto the pavement of any street without removing the material before 5 p.m. of the day on which the material was deposited.

J. Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious or offensive fumes, gases, or odors to be carried off the premises or to cause any water to become polluted by sewage, industrial wastes, acid, or other substance or to cause a glare from lights or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

K. Creation or maintenance of attractive nuisances, which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

L. Keeping on any street, alley, or open yard area of private property any motor vehicle to which any of the following apply: [Ord. 985-2]

(1) Is partially dismantled.

(2) Is in a state of disrepair.

(3) Is missing doors or windows.

(4) Contains broken glass, sharp metal edges, or any other dangerous condition likely to cause injury.

(5) Is kept in such a way as to allow vegetation to grow in or around it.

(6) Is kept in such a way as to allow animals, insects, or vermin to occupy it or the area around it.

(7) This subsection shall not be applicable to vehicles being used by emergency service organizations for training, provided that the vehicles in the condition described above are not on the premises longer than 7 days prior to the date of the training and are removed not more than 2 days after the end of the training. In addition, such vehicles shall be covered by a tarp or other secure covering when not in use for training. [Ord. 2003-07-12]

M. *Exterior Storage of Objects and Equipment.*

(1) Except as provided herein, no person who owns or is in possession of, in charge of or in control of any of the following: lumber, scrap metal, construction materials, machinery components, equipment, appliances, furniture not designed and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.

(2) This paragraph shall not apply to any lumber, construction materials, or equipment, which is intended for use in construction or renovation on the premises for which there exists an active building permit.

[Ord. 2009-09-02]

(Ord. 868-18, 8/13/1986; as amended by Ord. 985-2, 5/11/1988; by Ord. 2003-07-12,

7/14/2003; and by *Ord. 2009-09-02, 9/14/2009*)

§10-302. Unlawful to Create or Maintain Nuisance.

It shall be unlawful for any person to create, continue, cause, maintain, or permit to exist any nuisance at any place within the Borough.

(Ord. 868-18, 8/13/1986)

§10-303. Removal or Abatement of Nuisances.

Any person who creates, continues, causes, maintains, or permits to exist any nuisance at any place within the Borough shall, within 10 days after notice from the Council to do so, remove or abate that nuisance. If that person fails, neglects, or refuses to abate the nuisance within the time limit, the Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, the Council shall collect the cost and expense of the abatement or removal from the person who created, continued, caused, or maintained the nuisance and/or permitted it to exist, that person having failed, neglected, or refused to remove or abate the nuisance, with an additional amount of 10 percent, in the manner provided for the collection of municipal claims, or by an action in assumpsit. The cost and expense may be in addition to any penalty imposed under §10-304 of this Part.

(Ord. 868-18, 8/13/1986)

§10-304. Violations and Penalties.

Any person who violates any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. It shall not be a condition precedent for a conviction under this Section to have been given a 10-day notice to remove or abate a nuisance in accordance with §10-303 of this Part.

(Ord. 868-18, 8/13/1986; as amended by Ord. 9711-6, 11/12/1997, §144-4; and by Ord. 2009-09-02, 9/14/2009)

§10-305. Exceptions.

This Part shall not be construed to be the sole means for abatement of nuisances within the Borough, and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Borough may institute proceedings in equity.

(Ord. 868-18, 8/13/1986)

B. Animal Nuisances**§10-311. Owner Responsible for Removal of Feces.**

It shall be the duty of the owner of any dog or cat traversing upon any public street, alley, sidewalk, park, playground, or any other public area within the Borough of Red Lion to remove any feces left by such dog or cat on any public street, alley, sidewalk, park, playground, other public property or any property not belonging to the owner of the dog or cat; provided that the provisions of this Section shall not apply to a guide dog accompanied by a blind person. The owner of the dog or cat shall remove the feces discharged by such dog or cat immediately.

(*Ord. 791-1*, 1/10/1979; as amended by *Ord. 911-4*, 1/9/1991; and by *Ord. 2002-12-15*, 12/9/2002)

§10-312. Unrestrained Pets Prohibited.

It shall be unlawful for the owner of a dog, cat, or other pet to cause or allow any pet to be upon the public streets or sidewalks of the Borough unless it is accompanied by a person to whom it shall be tethered or restrained by a leash or other suitable restraint.

(*Ord. 2002-12-15*, 12/9/2002)

§10-313. Pets on Property Other than Owner's Prohibited Without Permission.

It shall be unlawful for the owner of a dog, cat, or other pet to cause or allow any pet to be upon the private property of any other person without first obtaining permission from that person.

(*Ord. 2002-12-15*, 12/9/2002)

§10-314. Definitions.

As used in this Part 3B, the following terms shall have the meanings indicated:

Owner—any person, firm, association, corporation, or other institution or entity keeping or harboring a dog, cat, or other pet or who has actual or constructive possession or control of the pet. The term also includes those persons who provide food or shelter to a dog, cat, or other pet.

(*Ord. 2002-12-15*, 12/9/2002)

§10-315. Violations and Penalties.

Any person violating any provision of this Part 3B, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 791-1*, 1/10/1979; as amended by *Ord. 9711-6*, 11/12/1997, §82-5; and by *Ord. 2009-09-02*, 9/14/2009)

Part 4**Interment of Deceased Persons****§10-401. Burial or Interment of Deceased Persons Prohibited Within the Borough.**

It shall be unlawful for any person to bury or inter any deceased person within the limits of the Borough of Red Lion.

(Ord. 2002-09-09, 9/9/2002)

§10-402. Violations and Penalties.

Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2002-09-09, 9/9/2002; as amended by Ord. 2009-09-02, 9/14/2009)

§10-403. Other Legal Remedies.

Nothing herein shall prevent the Borough from taking other legal action necessary to prevent or remedy any violation. The Borough Council is specifically empowered to take and authorize such action.

(Ord. 2002-09-09, 9/9/2002)

Part 5**Outdoor Burning****§10-501. Purpose.**

This Part is enacted in the interest of the health, safety, and welfare of the residents of the Borough of Red Lion for the prevention of fires and to eliminate nuisances caused by smoke, cinders, and ashes.

(*Ord. 8210-8, 10/13/1982*)

§10-502. Outdoor Burning Prohibited.

No person or other legal entity, either directly or indirectly, shall ignite, kindle, or maintained on any public or private street, avenue, highway, road, alley, or public or private land within the Borough of Red Lion, except as may be provided herein below.

(*Ord. 8210-8, 10/13/1982; as amended by Ord. 9711-6, 11/12/1997, §105-2; and by Ord. 2003-06-07, 6/9/2003*)

§10-503. Exceptions.

Burning shall be permitted only as follows:

A. Any fire or incineration maintained wholly within the confines of a permanent structure intended for the habitation of human beings.

B. Any fire or incineration confined in a fireplace, grill, barbecue pit, or other approved fireproof container and is kept under competent and continuous supervision, and provided that all fires and coals are thoroughly extinguished after the use thereof has been completed.

C. Any fire built in connection with an activity comparable to a school pep rally bonfire, scouting, and related activities, group hot dog roasts, or campfires.

D. Any controlled fire set by or under the direction of or in conjunction with a fire company or emergency service organization for the purpose of instructing firefighting or emergency services personnel.

Notwithstanding the above, no burning shall be conducted or take place in violation of or contrary to the standards contained in 25 Pa.Code §129.14, "Open Burning Operations." [*Ord. 2009-09-02*]

(*Ord. 8210-8, 10/13/1982; as amended by Ord. 2003-06-07, 6/9/2003; and by Ord. 2009-09-02, 9/14/2009*)

§10-504. Violations and Penalties.

Any person violating or failing or refusing to comply with any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 8210-8, 10/13/1982; as amended Ord. 9711-6, 11/12/1997, §105-4; and by Ord. 2009-09-02, 9/14/2009*)

